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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 RONALD MOORE,) 3:09-CV-0098-LRH (RAM)
9 Plaintiff,) **REPORT AND RECOMMENDATION**
10 vs.) **OF U.S. MAGISTRATE JUDGE**
11 HUGH ROY MARSHAL, et al.,)
12 Defendants.)

13 This Report and Recommendation is made to the Honorable Larry R. Hicks, United
14 States District Judge. The action was referred to the undersigned Magistrate Judge pursuant
15 to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

16 The Complaint was filed in this case on April 1, 2009 (Doc. #11). More than 120 days
17 have elapsed since the filing of the Complaint and it does not appear that service on the
18 Defendants has been effected.

19 Pursuant to the provisions of Fed. R. Civ. P. 4(m) the District Judge should enter an
20 order dismissing this case without prejudice for failure to effect timely service.

21 **RECOMMENDATION**

22 **IT IS RECOMMENDED** that the District Judge enter an order dismissing this case
23 without prejudice for failure to effect timely service.

24 The parties should be aware of the following:

25 1. That they may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the
26 Local Rules of Practice, specific written objections to this Report and Recommendation
27 within ten (10) days of receipt. These objections should be titled "Objections to Magistrate
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1 Judge's Report and Recommendation" and should be accompanied by points and authorities
2 for consideration by the District Court.

3 2. That this Report and Recommendation is not an appealable order and that any
4 notice of appeal pursuant to Rule 4(a)(1), Fed. R. Civ. P., should not be filed until entry of the
5 District Court's judgment.

6 DATED: October 16, 2009.



UNITED STATES MAGISTRATE JUDGE